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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,626	07/26/2004	Joe Retzbach	81101203 / FMC 1762 PUS	4625
28395 7590 03/03/2009 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER STRODER, CARRIE A	
			ART UNIT 3689	PAPER NUMBER
			MAIL DATE 03/03/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/710,626	<b>Applicant(s)</b> RETZBACH ET AL.	
	<b>Examiner</b> CARRIE A. STRODER	<b>Art Unit</b> 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>26 July 2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. This is in response to the applicant's communication filed on 26 July 2004, wherein:

Claims 1-29 are currently pending.

***Information Disclosure Statement***

1. The information disclosure statement (IDS) was submitted on 26 July 2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 10 is rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 refers to "a plurality of fulfillment options," which is vague and indefinite.

4. **Claim 12 is rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and

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distinctly claim the subject matter which applicant regards as the invention.

Claim 12 refers to an "ASP computer system," which is vague and indefinite.

5. **Claim 25 is rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 25 refers to "conducting a privacy 'do not call' analysis on the one or more customer vehicle attributes," which is vague and unclear. Examiner is unsure how the analysis is conducted.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-3, 5-9, 11-16, 19, and 26-29 are rejected** under 35 U.S.C. 102(b) as being anticipated by Hellbusch et al. (US 20020095321).

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**Referring to claim 1:**

Hellbusch teaches

receiving one or more customer vehicle attributes from two or more computer systems selected from the group consisting of: a service appointment system, a dealer management system, a marketing offer system, an accessory system, a vehicle inspection system, a follow-up system, and a concern resolution system (paragraphs 46-47 and 99; where "contains current data" inherently requires receiving the data);

storing the one or more customer vehicle attributes into a data warehouse (paragraph 46; "data store"); and

transmitting the one or more customer vehicle attributes stored in the data warehouse based upon an electronic request, wherein the one or more customer vehicle attributes are integrated across the two or more computer systems to facilitate management of a relationship between a customer and a service or product provider (paragraphs 99 and 105; where "exchange messages" is interpreted as including transmission).

Further, "to facilitate management of a relationship between a customer and a service or product provider" is a statement of intended use. Statements of intended use do not limit the scope of a claim or claim limitation. See MPEP 2106.

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**Referring to claim 26:**

Hellbusch teaches

two or more computer systems selected from the group consisting of: a service appointment system, a dealer management system, a marketing offer system, an accessory system, a vehicle inspection system, a follow-up system, and a concern resolution system, wherein the two or more computer systems are capable of storing and transmitting one or more customer vehicle attributes (paragraph 99);

a data warehouse coupled to the two or more computer systems for storing the one or more customer vehicle attributes (paragraphs 46, 47, and 99); and

a retrieval module coupled to the data warehouse for retrieving the one or more customer vehicle attributes stored in the data warehouse based upon an electronic request, wherein the one or more customer vehicle attributes are integrated across the two or more computer systems to facilitate management of a relationship between a customer and a service or product provider (paragraphs 46-47; where "moving the data" is interpreted as inherently requiring retrieving the data).

Further, "to facilitate management of a relationship between a customer and a service or product provider" is a

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statement of intended use. Statements of intended use do not limit the scope of a claim or claim limitation. See MPEP 2106.

**Referring to claim 28:**

Hellbusch teaches

means for receiving one or more customer vehicle attributes from two or more computer systems selected from the group consisting of: a service appointment system, a dealer management system, a marketing offer system, an accessory system, a vehicle inspection system, a follow-up system, and a concern resolution system (paragraphs 46-47 and 99; where "contains current data" inherently requires receiving the data);

means for storing the one or more customer vehicle attributes into a data warehouse (paragraph 46; "data store"); and

means for transmitting the one or more customer vehicle attributes stored in the data warehouse based upon an electronic request, wherein the one or more customer vehicle attributes are integrated across the two or more computer systems to facilitate management of a relationship between a customer and a service or product provider (paragraphs 99 and 105; where "exchange messages" is interpreted as including transmission).

Further, "to facilitate management of a relationship between a customer and a service or product provider" is a

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statement of intended use. Statements of intended use do not limit the scope of a claim or claim limitation. See MPEP 2106.

**Referring to claims 2, 27, and 29:**

Claim 2 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated as if fully recited herein.

Hellbusch teaches

wherein the relationship is an after vehicle sales delivery relationship (paragraph 99; where "service scheduling" is interpreted as after vehicle sales delivery).

**Referring to claim 3:**

Claim 3 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated as if fully recited herein.

Hellbusch teaches

wherein the one or more customer vehicle attributes are selected from the group consisting of: basic core customer data, vehicle data, financial data, service history data, accessory purchase history data, demographic data, attitudinal data, and loyalty data (paragraph 99; "containing information on customer, parts, and service").

**Referring to claim 5:**

Claim 5 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated as if fully recited herein.

Hellbusch teaches



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wherein the service or product provider includes a dealer and/or an original equipment manufacturer (OEM) (paragraph 99; "automotive retail companies").

**Referring to claim 6:**

Claim 6 is dependent on claim 5; therefore, the rejection of claim 5 is incorporated as if fully recited herein.

Hellbusch teaches

further comprising communicating or broadcasting a portion of the one or more customer vehicle attributes to the customer (paragraph 123; "broadcast services that deliver information to a user").

**Referring to claim 7:**

Claim 7 is dependent on claim 6; therefore, the rejection of claim 6 is incorporated as if fully recited herein.

Hellbusch teaches

wherein the communicating or broadcasting step is conducted by the OEM or the dealer (paragraphs 99 and 100; "an Enterlink community participant, such as a consumer, can ...communicate electronically with the other entities that are also connected on the Enterlink bus").

**Referring to claim 8:**

Claim 8 is dependent on claim 6; therefore, the rejection of claim 6 is incorporated as if fully recited herein.

Hellbusch teaches wherein the communicating or broadcasting step is conducted by the OEM and the dealer (paragraphs 99 and 100; "an Enterlink community participant, such as a consumer, can ...communicate electronically with the other entities that are also connected on the Enterlink bus").

**Referring to claim 9:**

Claim 9 is dependent on claim 3; therefore, the rejection of claim 3 is incorporated as if fully recited herein.

Hellbusch teaches generating a report based on the one or more customer vehicle attributes, wherein at least a portion of the report is communicated to the customer (paragraph 138; "billing system...delivered to Enterlink customers").

**Referring to claim 11:**

Claim 11 is dependent on claim 6; therefore, the rejection of claim 6 is incorporated as if fully recited herein.

Hellbusch teaches formatting or packaging at least a portion of the one or more customer vehicle attributes prior to communicating or broadcasting the portion of the one or more customer vehicle attributes to the customer (paragraphs 123 and 134; "translating data among various participants" inherently must be done before the data may be used in the "broadcast services").

**Referring to claim 12:**

Claim 12 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated as if fully recited herein.

Hellbusch teaches wherein the data warehouse includes a mainframe or ASP computer system (paragraph 136).

**Referring to claim 13:**

Claim 13 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated as if fully recited herein.

Hellbusch teaches wherein the service appointment system is capable of scheduling service and recall appointments and checking the status of an appointment (paragraph 99; "service scheduling").

**Referring to claim 14:**

Claim 14 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated as if fully recited herein.

Hellbusch teaches wherein the marketing offer system is capable of transmitting service, maintenance offers, or product offers (paragraph 123; "...deliver information to a user...").

**Referring to claim 15:**

Claim 15 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated as if fully recited herein.

Hellbusch teaches wherein the accessory system is capable of processing accessory purchases and installations (paragraph

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131; "parts are available" and "call customer to schedule repair").

**Referring to claim 16:**

Claim 16 is dependent on claim 6; therefore, the rejection of claim 6 is incorporated as if fully recited herein.

Hellbusch teaches wherein the portion of the one or more customer vehicle attributes is communicated through a telephone (paragraph 131; "call customer to schedule a repair" inherently requires communication through a telephone).

**Referring to claim 19:**

Claim 19 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated as if fully recited herein.

Hellbusch teaches wherein the one or more customer vehicle attributes is used to facilitate marketing of one or more events (paragraph 123; "...deliver information to a user").

**Referring to claim 22:**

Claim 22 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated as if fully recited herein.

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Hellbusch teaches cleansing the one or more customer vehicle attributes (paragraph 48).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 4, 21, 23, 24, and 25 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Hellbusch et al. (US 20020095321), in view of Gaito (US 20030171942).

**Referring to claim 4:**

Claim 4 is dependent on claim 3; therefore, the rejection of claim 3 is incorporated as if fully recited herein.

Hellbusch does not teach; however, Gaito teaches tracking the one or more customer vehicle attributes (paragraph 26).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Hellbusch and Gaito as a whole to produce the invention as claimed with a

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reasonable expectation of facilitating generating, tracking, and managing contacts.

**Referring to claim 21:**

Claim 21 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated as if fully recited herein.

Hellbusch does not teach; however, Gaito teaches deduplicating the one or more customer vehicle attributes (paragraph 39).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Hellbusch and Gaito as a whole to produce the invention as claimed with a reasonable expectation of facilitating generating, tracking, and managing contacts.

**Referring to claim 23:**

Claim 23 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated as if fully recited herein.

Hellbusch does not teach; however, Gaito teaches merging and purging the one or more customer vehicle attributes (paragraphs 9 and 39).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Hellbusch and

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Gaito as a whole to produce the invention as claimed with a reasonable expectation of facilitating generating, tracking, and managing contacts.

**Referring to claim 24:**

Claim 24 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated as if fully recited herein.

Hellbusch does not teach; however, Gaito teaches conducting a national change of address analysis on the one or more customer vehicle attributes (paragraph 42).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Hellbusch and Gaito as a whole to produce the invention as claimed with a reasonable expectation of facilitating generating, tracking, and managing contacts.

**Referring to claim 25:**

Claim 25 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated as if fully recited herein.

Hellbusch does not teach; however, Gaito teaches conducting privacy "do not call" analysis on the one or more customer vehicle attributes (paragraph 9).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have

found it obvious from the combined teachings of Hellbusch and Gaito as a whole to produce the invention as claimed with a reasonable expectation of facilitating generating, tracking, and managing contacts.

10. **Claim 10 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Hellbusch et al. (US 20020095321), in view of Foegen et al. (US 20050071176).

**Referring to claim 10:**

Claim 10 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated as if fully recited herein.

Hellbusch does not teach; however, Foegan teaches wherein the marketing offer computer system includes functionally for providing a plurality of fulfillment options (paragraph 3 "multitude of offers or offerings").

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Hellbusch and Foegan as a whole to produce the invention as claimed with a reasonable expectation of providing a more flexible system for the creation and management of solicitation plans.

11. **Claims 17-18 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Hellbusch et al. (US 20020095321).



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**Referring to claim 17:**

Claim 17 is dependent on claim 6; therefore, the rejection of claim 6 is incorporated as if fully recited herein.

Hellbusch teaches wherein the portion of the one or more customer vehicle attributes is communicated through the Internet (paragraph 123; where the use of e-mail implies the use of the internet).

**Referring to claim 18:**

Claim 18 is dependent on claim 17; therefore, the rejection of claim 17 is incorporated as if fully recited herein.

Hellbusch teaches wherein the portion of the one or more customer vehicle attributes is communicated through an e-mail via the Internet (paragraph 123).

12. **Claim 20 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Hellbusch et al. (US 20020095321), in view of Nelson (US 6922674).

**Referring to claim 20:**

Claim 20 is dependent on claim 1; therefore, the rejection of claim 1 is incorporated as if fully recited herein.

Hellbusch teaches further comprising dealerizing the one or more customer vehicle attributes (col. 11, lines 47-50).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have

found it obvious from the combined teachings of Hellbusch and Nelson as a whole to produce the invention as claimed with a reasonable expectation of maximizing customer satisfaction by facilitating the customer's receipt of prompt and accurate information about a vehicle.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Takaoka (US 20030065612);
- b. Ford et al. (US 20040059618);
- c. Shimada et al. (US 6868390); and
- d. Osborn (US 6182048).

***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARRIE A. STRODER whose telephone number is (571)270-7119. The examiner can normally be reached on Monday - Thursday 8:00 a.m. - 5:00 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan Mooneyham can be reached on (571)272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CARRIE A. STRODER/  
Examiner, Art Unit 3689

/Tan Dean D. Nguyen/  
Primary Examiner, Art Unit 3689  
3/1/09